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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,219	07/19/2000	Steven R. Bard	INTL-0417-US (P9042)	1192
7590 08/22/2005			EXAMINER	
Timothy N Trop Trop Pruner & Hu PC 8554 Katy Freeway Suite 100 Houston, TX 77024			BARBEE, MANUEL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/619,219

Applicant(s)

BARD, STEVEN R.

Examiner

Manuel L. Barbee

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 16 August 2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-13 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Oprescu et al. (US Patent No. 5,842,027).

With regard to detecting a power sink coupled to a power source, as shown in claims 1 and 11, Oprescu et al teach determining what components are connected to a bus with a power manager at initialization (col. 5, lines 25-42; col. 7, lines 17-54; Figure 1, power manager 50, power line 30, bus 12). With regard to providing a power class identifier and using the power class identifier to determine whether to receive power

from a power source, as shown in claims 1, 11 and 15, Oprescu et al. teach sending the power requirements of all components attached to the bus to the power manager and determining whether there is enough power to power additional devices (col. 6, lines 27-41; col. 7, line 11 - col. 8, line 65).

With regard to coupling a plurality of power sinks to the power source, as shown in claims 2 and 12, Oprescu et al. teach coupling more than one power sink to the bus (col. 5, lines 1-15). With regard to providing a self-identifier packet to the sink and receiving a self-identifier packet from the sink, as shown in claims 3 and 13, Oprescu teaches sending identifying information from all components connected to the bus to the power manager at initialization and sending identifying information and state information when power is requested (col. 7, lines 18-33; Figure 2, step 100).

With regard to determining the available power of the source, as shown in claims 6 and 16, Oprescu et al. teach finding the sum of power being used and determining the surplus power (col. 8, lines 1-19; Figure 2, step 104). With regard to determining whether to supply power, as shown in claims 7 and 17, Oprescu et al. teach comparing the surplus power with the power requirements of an additional component to determine whether to supply power to the component (col. 8, lines 20-65). With regard to supplying power for enumeration to the sink whether the source is able supply power to the sink or not, as shown in claims 8, 9, 18 and 19, Oprescu teaches initializing all components in a local database at startup (col. 7, lines 34-54). With regard to sending an identifier to the source to determine whether the source can supply power to the sink, as shown in claims 10 and 20, Oprescu teaches sending identifying information

and using this to look up power requirements of components on the bus (col. 7, lines 18-33, 55-67).

With regard to a connection to a power source and a processor-based device to analyze power class information received from a power source and determine whether to receive power, as shown in claims 21 and 24, Oprescu et al. teach a power manager connected to a power source and power sinks that receives information about the power source and determines whether to power sinks (; col. 7, lines 11-17; col. 8, lines 25-42; Figure 1, power manager 50; bus 12, power line 30; col. 5, lines 1-52). With regard to a fan out physical layer, as shown in claim 22, Oprescu et al. teach a fan out physical layer; col. 9, lines 34-55; Figure 3). With regard to an AC adapter, as shown in claim 23, Oprescu et al. teach an AC adapter (col. 4, lines 57-67; Figure 1, AC adapter 34). With regard to providing power for enumeration and then determining whether to provide further power, as shown in claim 25, Oprescu et al. teach identifying all components and adding them to a local database before determining whether to provide power in response to power requests (col. 6, line 27 - col. 7, line 67).

### ***Response to Arguments***

4. Applicant's arguments filed 16 August 2004 have been fully considered but they are not persuasive.

Claim 1 is now being rejected under 35 USC 102. Therefore the arguments with regard to teaching away and hindsight reasoning are moot in view of the new grounds for rejection.

Applicant suggests that claim 1 now provides for a sink that decides whether or not to obtain power from the source based on information from the power source. Claim 1 has limitations for "automatically providing a power class identifier to said sink; and using said power class identifier in said power sink to determine whether to receive power from said power source." There are no limitations for the sink to decide whether to obtain power from the source. As shown above, each sink may be provided or hold its own power requirements, which are used by the power manager to determine whether the component should receive power (col. 7, line 11 - col. 8, line 65). Further, while Applicant's disclosure supports a sink that may determine whether the source is valid to charge its internal battery, there is no support for a source that provide power class information to a sink for the purpose of allowing the sink to decide whether to obtain power from the source (Specification page 3, line 17 - page 4, line 6).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0976.

mlb  
July 11, 2005



MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800